

Request for Reconsideration after Final Action

The table below presents the data as entered.

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SERIAL NUMBER	86385603
LAW OFFICE ASSIGNED	LAW OFFICE 108
MARK SECTION	
MARK	http://tmng-al.uspto.gov/resting2/api/img/86385603/large
LITERAL ELEMENT	SMOKESTACK LIGHTNING
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font style, size or color.
ARGUMENT(S)	
Please see the actual argument text attached within the Evidence section.	
EVIDENCE SECTION	
EVIDENCE FILE NAME(S)	
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DESCRIPTION OF EVIDENCE FILE	the argument, Exhibit A - Wikipedia web page on Stout, Exhibit B - Boulevard's web page on the Smokestack Series, Exhibit C - Magnolia's keg collar specimen, Exhibit D - Boulevard's beer specimens, Exhibit E - TESS results, Exhibit F - Other uses of Smokestack in the industry via web pages, Exhibit G - owner's declaration, Exhibit H - Smokestack Series TESS page
SIGNATURE SECTION	
RESPONSE SIGNATURE	/clm/
SIGNATORY'S NAME	Candace L. Moon
SIGNATORY'S POSITION	Attorney of Record, CA bar member
SIGNATORY'S PHONE NUMBER	619-749-4115
DATE SIGNED	09/17/2015
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Sep 17 19:17:34 EDT 2015
	USPTO/RFR-66.185.170.138-

TEAS STAMP

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PTO Form 1960 (Rev 9/2007)
OMB No. 0651-0050 (Exp. 07/31/2017)

Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **86385603** SMOKESTACK LIGHTNING(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86385603/large>) has been amended as follows:

ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Please see the actual argument text attached within the Evidence section.

EVIDENCE

Evidence in the nature of the argument, Exhibit A - Wikipedia web page on Stout, Exhibit B - Boulevard's web page on the Smokestack Series, Exhibit C - Magnolia's keg collar specimen, Exhibit D - Boulevard's beer specimens, Exhibit E - TESS results, Exhibit F - Other uses of Smokestack in the industry via web pages, Exhibit G - owner's declaration, Exhibit H - Smokestack Series TESS page has been attached.

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Converted PDF file(s) (2 pages)

[Evidence-1](#)

[Evidence-2](#)

SIGNATURE(S)

Request for Reconsideration Signature

Signature: /clm/ Date: 09/17/2015

Signatory's Name: Candace L. Moon

Signatory's Position: Attorney of Record, CA bar member

Signatory's Phone Number: 619-749-4115

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86385603

Internet Transmission Date: Thu Sep 17 19:17:34 EDT 2015

TEAS Stamp: USPTO/RFR-66.185.170.138-201509171917347

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Office Action Response

On March 25, 2015, the Trademark Examining Attorney issued an office action refusing, pursuant to Section 2(d), for the applied-for mark SMOKESTACK LIGHTNING for beer as likely to cause confusion with the registered mark SMOKESTACK SERIES, U.S. Registration No. 3509698, for beer, ale, and malt liquor. Applicant respectfully requests that the Examining Attorney reconsider and Applicant notes that it is concurrently filing a notice of appeal.

Section 2(d) Refusal

Determination of likelihood of confusion under Section 2(d) is made on a case-by-case basis and the factors set forth in *In re E.I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973) aid in this determination. Although, depending on the evidence of record, not all of the *du Pont* factors are necessarily relevant or of equal weight in a given case. See *In re Vittera Inc.*, 671 F.3d 1358, 1361-62, 101 USPQ2d 1905, 1908 (Fed. Cir. 2012).

Here, the most relevant factors are: similarity of the marks, relatedness of the goods, and actual confusion. Indeed, while the Examining Attorney considered the similarities between the applied-for SMOKESTACK LIGHTNING mark and the registered SMOKESTACK SERIES mark, with respect to the *du Pont* factors, the distinguishing points between the marks warrant registration of Applicant's mark.

THE MARKS ARE DISSIMILAR BASED ON

SIGHT, SOUND, CONNOTATION AND COMMERCIAL IMPRESSION

As the Examiner has noted, the marks are compared for similarities in sight, sound, connotation, and commercial impression. *In re Vittera Inc.*, 671 F.3d at 1362 (quoting *In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361) (citations omitted); T.M.E.P. §1207.01(b)-(b)(v). This test is known as the "sight, sound, meaning" trilogy. 4 McCarthy on Trademarks and

Unfair Competition § 23.21 (4th ed.). The term “commercial impression” is “used to denote the ultimate conclusion of similarity or dissimilarity” resulting from the analysis of the trilogy. *Id.*

The Federal Circuit stated, “[a]s is apparent from the plain language of this factor, marks must be viewed ‘in their entirety,’ and it is improper to dissect a mark when engaging in this analysis.” *In re Viterro Inc.*, 671 F.3d at 1362 (citing *In re Shell Oil Co.*, 992 F.2d 1204, 1206 (Fed. Cir. 1993) (“The marks are considered in their entirety, words and design.”)). The Court further noted, “[a]lthough the court may place more weight on a dominant portion of a mark . . . the ultimate conclusion nonetheless must rest on consideration of the marks in total.” *Id.* (citing *Packard Press, Inc. v. Hewlett-Packard Co.*, 227 F.3d 1352, 1357 (Fed. Cir. 2000); *In re Nat’l Data Corp.*, 753 F.2d 1056, 1058 (Fed. Cir. 1985)). Thus, leading to the presumption that “likelihood of confusion cannot be predicated on dissection of a mark, that is, on only part of a mark.” T.M.E.P. § 1207.01(b) (quoting *In re Nat’l Data Corp.*, 753 F.2d at 1058).

Moreover, Courts have noted that the use of identical, even dominant, words in common does not automatically mean that two marks are similar. *Freedom Sav. and Loan Ass’n v. Way*, 757 F.2d 1176, 1183 (11th Cir. 1985). Rather, in analyzing the similarities of sight, sound, and meaning between two marks, one must look to the overall impression created by the marks and not merely compare individual features. See, e.g., *Sun Banks of Fla., Inc. v. Sun Fed. Sav. and Loan Ass’n*, 651 F.2d 311, 317-18 (5th Cir.1981); Restatement of Torts § 729 comment b.

The Marks are Distinguishable based on Sight

As to sight, “the relevant inquiry is whether a particular trademark, when viewed alone, would lead to uncertainty about the goods or services that it identifies.” *Therma-Scan, Inc. v. Thermoscan, Inc.*, 295 F.3d 623, 633-34 (6th Cir. 2002) (quoting *Daddy’s Junky Music Stores, Inc. v. Big Daddy’s Family Music Center*, 109 F.3d 275, 283 (6th Cir. 1997) (noting that “courts

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must determine whether a given mark would confuse the public when viewed alone, in order to account for the possibility that sufficiently similar marks may confuse consumers who do not have both marks before them but who may have a general, vague, or even hazy, impression or recollection of the other party's mark”) (internal quotation marks and citation omitted))). In analyzing this consideration, courts look to font, typeface, and design. See, e.g., *Therma-Scan*, 295 F.3d at 633-34; *AutoZone, Inc. v. Tandy Corp.*, 373 F.3d 786, 796 (6th Cir. 2004).

Here, Applicant’s mark is SMOKESTACK LIGHTNING, whereas Registrant’s mark is SMOKESTACK SERIES. The terms “lightning” and “series” are two distinctly different words. This difference cannot be ignored in the sight analysis. As stated above, marks should not be analyzed by dissecting portions of the mark, but viewed in their entirety. T.M.E.P. § 1207.01(b), 1207.01(c)(2). In both the Applicant and the Registrant’s mark, there is no dominant portion, as each mark is a standard character mark. There is no emphasis on “smokestack” in either of the marks.

Thus, the marks are dissimilar as to sight. As such, this factor weighs in favor of a finding of no similarity between the marks.

The Marks are Distinguishable based on Sound

As to sound, courts consider number of syllables, position of similar syllables, and pronunciation of the marks. See *A & H Sportswear, Inc. v. Victoria’s Secret Stores, Inc.*, 237 F.3d 198, 217 (3d Cir. 2000). Courts have also looked to different stress patterns and other further sophisticated phonetic analysis in aiding its analysis of sound. 4 McCarthy on Trademarks and Unfair Competition § 23:22 (4th ed.).

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In this case, Applicant's mark is SMOKESTACK LIGHTNING. The mark is composed of two words, 19 letters, and 4 syllables. On the other hand, Registrant's mark is SMOKESTACK SERIES. The mark is composed of two words, 16 letters, and 4 syllables.

Consumers would not be confused when recalling either of the marks as "lightning" and "series" are starkly different from one another. "Lightning" is composed of 9 letters, while "series" is composed of 6 letters. They have no common sounds between them. Each word is pronounced entirely different from the other. The only commonality between the marks is the term "smokestack" and the use of 4 syllables.

Thus, the marks are dissimilar as to sound. As such, this factor weighs in favor of a finding of no similarity between the marks.

The Marks are Distinguishable based on Meaning or Connotation

Meaning or connotation is the third part of the similarity trilogy. 4 McCarthy on Trademarks and Unfair Competition § 23:21. "The 'psychological imagery evoked by the respective marks' may overpower the respective similarities or differences in appearance and sound." 4 McCarthy on Trademarks and Unfair Competition § 23:26 (quoting *Vornado, Inc. v. Breuer Electric Mfg. Co.*, 390 F.2d 724, 156 U.S.P.Q. 340 (C.C.P.A. 1968) (Smith, J., dissenting)). As to the meaning, courts look to either the dictionary definition or "the context of use, such as material on labels, packaging, advertising, and the like." *Hancock v. Am. Steel & Wire Co. of N.J.*, 203 F.2d 737, 740-41 (C.C.P.A. 1953); see *Elvis Presley Enters., Inc. v. Capece*, 141 F.3d 188, 201 (5th Cir. 1998).

Here, each of the marks brings up different imagery to the consumers. For instance, Applicant's SMOKESTACK LIGHTNING mark brings up images of darkness, cloudiness, and strength. This imagery goes along with the type of beer that is associated with the mark, which

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is a stout. Stouts are known for having a deep, rich color (i.e., darkness), a thick beer head (i.e., cloudiness), and are the strongest type of beer (i.e., strength). Exhibit A. On the other hand, Registrant's mark brings up images of a product line. This image is fitting, as Registrant use the mark for limited releases that change each season. Exhibit B.

Moreover, each of the specimens of use provided by the Applicant and the Registrant show the context of use of each mark. First off, Applicant's specimen shows that the mark is used with beer that is served on tap based on the beer keg featured in the specimen. Exhibit C. Registrant's specimen shows the mark is used with bottled beer, and more specifically, bottled beer that may be packaged and shipped in boxes. Exhibits D. Each specimen shows various other source identifiers that would aid consumers in determining the source of the goods. For example, the keg collar in Applicant's specimen also identifies the brewery. Exhibit C. Contrastingly, the label on Registrant's beer bottle and box features the Boulevard design mark. Exhibits D.

Thus, the marks are dissimilar as to meaning. As such, this factor weighs in favor of a finding of no similarity between the marks.

REGISTRANT'S MARK IS ONLY ENTITLED TO A NARROW SCOPE OF PROTECTION BECAUSE OF THE PREVALENCE OF THIRD PARTY USE

Evidence of third-party use falls under the sixth DuPont factor – the “number and nature of similar marks in use on similar goods.” *In re E. I. du Pont de Nemours & Co.*, 476 F.2d at 1361. If the evidence establishes that the consuming public is exposed to third-party use of similar marks on similar goods, it “is relevant to show that a mark is relatively weak and entitled to only a narrow scope of protection.” *Palm Bay*, 396 F.3d at 1373-74. Third-party registrants and use may be relevant to show that a mark or a portion of a mark is descriptive, suggestive, or

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so commonly used that the public will look to other elements to distinguish the source of the goods or services. See, e.g., *In re Hartz Hotel Servs., Inc.*, 102 USPQ2d 1150, 1153-54 (TTAB 2012). When conducting searching the USPTO there are several design mark records that are similar to that of the Registrant's mark. All of these marks have been able to co-exist without consumer confusion. These marks are:

- SMOKESTACK (Reg. No. 2110643): restaurant services, namely, preparing food for human consumption on and off the premises;
- SMOKESTACK (Reg. No. 4518184): Meats and prepared foods, namely, prepared meat, processed fruits and vegetables, cut fruits and vegetables, prepared meals consisting primarily of meat or vegetables, and other food dishes for human consumption, namely, prepared meals consisting primarily of fish or poultry, baked beans, cooked fruits and vegetables, food package combinations consisting primarily of cheese, meat and/or processed fruit, fruit and vegetable salads, and potato salad; Food dishes for human consumption, namely, sandwiches, prepared entrees consisting primarily of pasta or rice, macaroni salad; sauces; seasonings; condiments, namely, chutneys, prepared horseradish, ketchup, mustard, mayonnaise, hot sauce, barbecue sauce;
- THE SMOKESTACK (App. No. 86556088): sandwiches;
- SMOKESTACK (Reg. No. 2478662□): Optical stack of removable lenses for face shields attached to helmets and for eye shields such as goggles having a lense cover plate;
- THE SMOKESTACK CO. (Reg. No. 3330165): Wood chips for barbecue grilling;
- SILOS & SMOKESTACKS (Reg. No. 1880159): promoting public awareness of the need to recognize, preserve and celebrate America's agricultural and industrial heritage;

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- SMOKESTACK STUDIOS (Reg. No. 4617228): Retail store services and online retail store services featuring home furnishings, namely, shelves, tables, desks, lamps and lighting fixtures, home decor and accessories, vinyl decals, and signs;
- SMOKESTACK STUDIOS (App. No. 86402413): Industrial, rustic, chic furniture, accessories, interior design, reclaimed furniture, custom.

Exhibit E.

Additionally, there are number of breweries that also use the term “smokestack” to identify beer and taprooms. These include:

- Vertigo Brewing – Smokestack Red;
- Tin Roof Brewing Co. – Smoke Stack Brown Ale;
- East End Brewing Company – Smokestack Heritage Porter;
- 6 Pack Smokestack;
- Smokestack Brew.

Exhibit F.

In light of this evidence, Registrant is not entitled to broad protection, but rather a narrow scope. Consumers have been exposed to a number of products, including different types of beer that use the term “smokestack”. All of these uses of the term “smokestack” show that consumers would rely on other identifying markers on the goods to determine and/or recall the source. As such, Applicant’s mark is distinctive from the Registrant and other marks because its mark is SMOKESTACK LIGHTNING. Thus, this factor weighs against a finding of similarity between the marks.

**THERE HAS NOT BEEN ANY CONSUMER CONFUSION BETWEEN THE MARKS
FOR WELL OVER FIVE YEARS**

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There is an additional du Pont factor that is relevant to the determination of likelihood of confusion, namely, the nature and extent of any actual confusion.

Applicant has been using its mark since approximately February 1, 2003 and has continuously used it in commerce since October 21, 2010. Exhibit G. Registrant has been using its mark since November 11, 2007. Exhibit H. Accordingly, the marks have been co-existing for nearly five years with any prior incidences of consumer confusion or alteration.

Applicant's mark has never been confused with Registrant's mark. Exhibit G. Applicant has never received any inquiries from consumers regarding Registrant's mark, nor has Applicant's goods ever been confused to be Registrant's goods. Exhibit G. Further, Applicant's goods and the goods of the Registrants are not sold in the same retail locations. Exhibit G. Thus, these facts lead to a conclusion of dissimilarity.

Thus, this factor favors a finding of no likelihood of confusion.

CONCLUSION

For the foregoing reasons Registrant's and Applicant's marks can coexist without a likelihood of consumer confusion and the SMOKESTACK LIGHTNING mark is therefore registrable. Accordingly, we respectfully request Applicant's mark SMOKESTACK LIGHTNING proceed to publication.

Stout

From Wikipedia, the free encyclopedia

For other uses, see Stout (disambiguation).

For dark lagers, see Dark lager.

Stout is a dark beer made using roasted malt or roasted barley, hops, water and yeast. Stouts were traditionally the generic term for the strongest or stoutest porters, typically 7% or 8%, produced by a brewery.^{[1][2]} There are a number of variations including Baltic porter, milk stout, and imperial stout; the most common variation is dry stout, exemplified by Guinness Draught, the world's best selling stout.

The first known use of the word *stout* for beer was in a document dated 1677 found in the Egerton Manuscript, the sense being that a stout beer was a strong beer not a dark beer.^[3] The name *porter* was first used in 1721 to describe a dark brown beer that had been made with roasted malts. Because of the huge popularity of porters, brewers made them in a variety of strengths. The beers with higher gravities were called "stout porters", so the history and development of stout and porter are intertwined, and the term stout has since become firmly associated with dark beer, rather than just strong beer.^{[2][4]}



Guinness Draught, an example of an Irish dry stout

Contents

- 1 History
- 2 Names of stout
 - 2.1 Milk stout
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History

Porter originated in London, England in the early 1720s.^[5] The style quickly became popular in the City especially with porters (hence its name): it had a strong flavour, took longer to spoil than other beers, increased in alcohol content with age, was significantly cheaper than other beers, and was not easily affected by heat.^{[6][7]} Within a few decades, porter breweries in London had grown "beyond any previously known scale".^[7] Large volumes were exported to Ireland, where by 1776 it was being brewed by Arthur Guinness at his St. James's Gate Brewery.^[8] In the 19th century, the beer gained its customary black colour through the use of black patent malt, and became stronger in flavour.^[2]



Originally, the adjective *stout* meant "proud" or "brave", but later, after the 14th century, it took on the connotation of "strong". The first known use of the word *stout* for beer was in a document dated 1677 found in the Egerton Manuscript,^[3] the sense being that a stout beer was a strong beer. The expression *stout porter* was applied during the 18th century to strong versions of porter, and was used by Guinness of Ireland in 1820 – although Guinness had been brewing porters since about 1780, having originally been an ale brewer from its foundation in 1759. *Stout* still meant only "strong" and it could be related to any kind of beer, as long as it was strong: in the UK it was possible to find "stout pale ale", for example. Later, *stout* was eventually to be associated only with porter, becoming a synonym of dark beer.

Because of the huge popularity of porters, brewers made them in a variety of strengths. The beers with higher gravities were called "Stout Porters". There is still division and debate on whether stouts should be a separate style from porter.

Usually the only deciding factor is strength.^[9]

"Nourishing" and sweet "milk" stouts became popular in Great Britain in the years following the First World War, though their popularity declined towards the end of the 20th century, apart from pockets of local interest such as in Glasgow with Sweetheart Stout.

The slogan "Guinness is good for you" was thought up after market research in the 1920s suggested that people felt better after a pint, and post-operative patients, blood donors, pregnant women and nursing mothers in England were advised to drink Guinness.^[10]

With beer writers such as Michael Jackson writing about stouts and porters in the 1970s, there has been a moderate interest in the global speciality beer market.

In the mid 1980s a survey by *What's Brewing* found just 29 brewers in the UK and Channel Islands still making stout, most of them milk stouts.^[11]

Names of stout

Stouts have several variations.

Milk stout

Milk stout (also called *sweet stout* or *cream stout*) is a stout containing lactose, a sugar derived from milk. Because lactose is unfermentable by beer yeast, it adds sweetness, body, and calories to the finished beer. Milk stout was claimed to be nutritious, and was given to nursing mothers,^[12] along with other stouts, such as Guinness.^[13] The classic surviving example of milk stout is Mackeson's,^[14] for which the original brewers claimed that "each pint contains the energising carbohydrates of 10 ounces of pure dairy milk". In the period just after the Second World War when rationing was in place, the British government required brewers to remove the word "milk" from labels and adverts, and any imagery associated with milk.^[15]

Dry or Irish stout

With milk or sweet stout becoming the dominant stout in the UK in the early 20th century, it was mainly in Ireland that the non-sweet or standard stout was being made. As standard stout has a dryer taste than the English and American sweet stouts, they came to be called *dry stout* or *Irish stout* to differentiate them from stouts with added lactose or oatmeal.^{[16][17][18]} Though still sometimes termed Irish or dry stout, particularly if made in Ireland, this is the standard stout sold and would normally just be termed "stout".^[19] The best selling stout is Guinness Draught, made by Diageo at St. James's Gate Brewery (also known as the Guinness Brewery) in Dublin;^[20] it serves as the template for most modern stouts, including variations on Guinness Extra Stout, which tend to be around 5% abv, and Guinness Foreign Extra Stout, which tend to be around 7.5% abv.^[21]



Samuel Smith's Imperial Stout

Porter

Main article: English porter

While there is a great deal of disagreement in the brewing world on this subject, there are no differences between stout and porter historically,^[22] though there has been a tendency for breweries to differentiate the strengths of their dark beers with the words "extra", "double" and "stout". The term *stout* was initially used to indicate a stronger porter than other porters issued by an individual brewery. Though not consistent, this is the usage that was most commonly employed.^[23]

Oatmeal stout

Oatmeal stout is a stout with a proportion of oats, normally a maximum of 30%, added during the brewing process. Even though a larger proportion of oats in beer can lead to a bitter or astringent taste,^[24] during the medieval period in Europe, oats were a common ingredient in ale,^[25] and proportions up to 35% were standard.

Despite some areas of Europe, such as Norway, still clinging to the use of oats in brewing until the early part of the 20th century, the practice had largely died out by the 16th century, so much so that in 1513 Tudor sailors refused to drink oat beer offered to them because of the bitter flavour.^{[26][27]}



The original modern oatmeal stout

There was a revival of interest in using oats during the end of the 19th century, when (supposedly) restorative, nourishing and invalid beers, such as the later milk stout, were popular, because of the association of porridge with health.^[28] Maclay of Alloa produced an Original Oatmalt Stout in 1895 which used 70% "oatmalt", and a 63/- Oatmeal Stout in 1909, which used 30% "flaked (porridge) oats".^[29]

In the 20th century many oatmeal stouts contained only a minimal amount of oats. For example, in 1936 Barclay Perkins Oatmeal Stout used only 0.5% oats.^[30] As the oatmeal stout was parti-gyled with their porter and standard stout, these two also contained the same proportion of oats. (Parti-gyle brewing involves drawing off the first part of the mash and using it to make strong ale, then remashing the grain and drawing off the second runnings for a less strong variant.) The name seems to have been a marketing device more than anything else. In the 1920s and 1930s Whitbread's London Stout and Oatmeal Stout were identical, just packaged differently. The amount of oats Whitbread used was minimal, again around 0.5%.^[31] With such a small quantity of oats used, it

could have had little impact on the flavour or texture of these beers.

Many breweries were still brewing oatmeal stouts in the 1950s, for example Brickwoods in Portsmouth, Matthew Brown in Blackburn and Ushers in Trowbridge.^[32] When Michael Jackson mentioned the defunct Eldrige Pope "Oat Malt Stout" in his 1977 book *The World Guide to Beer*, oatmeal stout was no longer being made anywhere, but Charles Finkel, founder of Merchant du Vin, was curious enough to commission Samuel Smith to produce a version.^[33] Samuel Smith's Oatmeal Stout then became the template for other breweries' versions.

Oatmeal stouts do not usually taste specifically of oats. The smoothness of oatmeal stouts comes from the high content of proteins, lipids (includes fats and waxes), and gums imparted by the use of oats. The gums increase the viscosity and body adding to the sense of smoothness.^[34]

Chocolate stout

Chocolate stout is a name brewers sometimes give to certain stouts having a noticeable dark chocolate flavour through the use of darker, more aromatic malt; particularly chocolate malt—a malt that has been roasted or kilned until it acquires a chocolate colour. Sometimes, as with Muskoka Brewery's Double Chocolate Cranberry Stout, Young's Double Chocolate Stout, and Rogue Brewery's Chocolate Stout, the beers are also brewed with a small amount of chocolate or chocolate flavouring.^{[35][36]}

Oyster stout

Oysters have had a long association with stout. When stouts were emerging in the 18th century, oysters were a commonplace food often served in public houses and taverns. By the 20th century, oyster beds were in decline, and stout had given way to pale ale. The first known brewery to use oysters as part of the brewing process of stout was in 1938 by the Hammerton Brewery in London, UK. The brewery was re-established in 2014 and is once again brewing an Oyster Stout.

Modern *oyster stouts* may be made with a handful of oysters in the barrel, hence the claim of one establishment, the Porterhouse Brewery in Dublin, that their award-winning Oyster Stout was not suitable for vegetarians.^[37] Others, such as Marston's Oyster Stout, use the name with the implication that the beer would be suitable for drinking with oysters.

Imperial stout

Imperial stout, also known as *Russian imperial stout* or *imperial Russian stout*, is a strong dark beer or stout in the style that was brewed in the 18th century by Thrale's brewery in London, England for export to the court of Catherine II of Russia.^[38] In 1781 the brewery changed hands and the beer became known as Barclay Perkins Imperial Brown Stout. When the brewery was taken over by Courage the beer was renamed Courage Russian Imperial Stout (*RIS*).^[39] It has a high alcohol content, usually over 9% abv.

Baltic porter

A version of Imperial Stout which originated in the Baltic region, usually cool fermented, making it a type of lager. Imperial Stouts exported from Britain in the 18th century were popular in the Baltic region, and were recreated locally using local ingredients and brewing traditions.^[40] Baltic Porter is a specialty of many Polish breweries.

References

1. The New Oxford Dictionary of English. Oxford University Press 1998 ISBN 0-19-861263-X
2. Porter and Stout - CAMRA (<http://web.archive.org/web/20120319235233/http://www.camra.org.uk/page.php?id=231>)
3. Stout (Classic Beer Style). "Stout (Classic Beer Style) (9780937381441): Michael Lewis: Books" (<http://www.amazon.com/gp/reader/0937381446?%5Fencoding=UTF8&p=S003#reader-page>). Amazon.com. Retrieved 2012-08-15.
4. Michael Jackson's Beer Hunter - Porter casts a long shadow on ale history (<http://www.beerhunter.com/documents/19133-000041.html>)
5. Bamforth, Charles (2009). *Beer: Tap into the Art and Science of Brewing*. Oxford University Press. p. 65. ISBN 978-0195305425
6. Unger, Richard W. (2004). *Beer in the Middle Ages and the Renaissance*. University of Pennsylvania Press. p. 244. ISBN 978-0812237955
7. Bender, David A. (2009). *A Dictionary of Food and Nutrition*. Oxford University Press. ISBN 978-0199234875
8. Oliver, Garrett (2011). *The Oxford Companion to Beer*. Oxford University Press. p. 492. ISBN 978-0195367133
9. "So what IS the difference between porter and stout?" (<http://zythophile.wordpress.com/2009/03/19/so-what-is-the-difference-between-porter-and-stout/>) Retrieved 30 September 2011

- difference between porter and stout/). Retrieved 19 September 2011.
10. Guinness is good for you. (<http://news.bbc.co.uk/1/hi/health/3266819.stm>) (13 November 2003) Health, BBC News - Retrieved on 19 February 2007.
 11. "Endangered beers | Zythophile" (<http://zythophile.wordpress.com/2012/05/22/endangered-beers/>). Zythophile.wordpress.com. 2012-05-22. Retrieved 2012-08-15.
 12. "The Stout Without Gout - December 2008 Document of the Month - Dorset For You" (<http://www.dorsetforyou.com/index.jsp?articleid=390700>). www.dorsetforyou.com. Retrieved 2009-03-13.
 13. "Guinness to brew anniversary stout to mark 250th birthday - Food & Drink, Life & Style - Belfasttelegraph.co.uk" (<http://www.belfasttelegraph.co.uk/lifestyle/food-and-drink/guinness-to-brew-anniversary-stout-to-mark-250th-birthday-14120472.html>). www.belfasttelegraph.co.uk. Retrieved 2009-03-13.
 14. *The Dictionary of Beer and Brewing* (<http://books.google.com/?id=XRyxWu8rRnQC&pg=PA257&dq=Mackeson+Stout#PPA258,M1>). books.google.co.uk. 1998-10-01. ISBN 978-1-57958-078-0. Retrieved 2009-03-13.
 15. Roger Protz, *The Ultimate Encyclopedia of Beer*, page 100, Carlton Books, 1995, ISBN 1-85375-197-9
 16. *Oxford Companion to Beer*. Oxford University Press. 2011. p. 494.
 17. Ronald Pattinson. *Porter!*. Lulu. p. 343.
 18. Keith Klemp (1 July 2012). "Milk Stout" (<http://allaboutbeer.com/article/milk-stout-2/>). *All About Beer Magazine - Volume 33, Issue 3*.
 19. Bryce Eddings. "A Layman's Guide to Stout - Introduction to Stout Styles" (<http://beer.about.com/od/sto2/p/LaymansStout.htm>). *about.com*.
 20. Bill Yenne (5 Oct 2007). *Guinness: The 250 Year Quest for the Perfect Pint*. John Wiley & Sons. p. 186.
 21. K. Florian Klemp (17 March 2015). "The Evolution of Dry Stout" (<http://allaboutbeer.com/article/evolution-dry-stout/>). *allaboutbeer.com/*.
 22. [1] (<https://zythophile.wordpress.com/2009/03/19/so-what-is-the-difference-between-porter-and-stout/>)
 23. Porter and Stout - CAMRA (<http://www.camra.org.uk/page.aspx?o=180680>)
 24. Page 50, *Stout*, Michael J. Lewis, published 1995 by Brewers Publications, ISBN 0-937381-44-6
 25. Page 49, *Beer: The Story of the Pint*, Martyn Cornell, published 2003 by Hodder Headline, ISBN 0-7553-1164-7
 26. Page 78, *Beer: The Story of the Pint*, Martyn Cornell, published 2003 by Hodder Headline, ISBN 0-7553-1164-7
 27. The Guide to Gentlemen and Farmers (<http://sunzi1.lib.hku.hk/ER/detail/2914008>.)
 28. Page 158, *Beer: The Story of the Pint*, Martyn Cornell, published 2003 by Hodder Headline, ISBN 0-7553-1164-7
 29. Pages 59 & 60, *Old British Beers*, Dr. John Harrison, published 2003 by Durden Park Beer Circle, ISBN 0-9517752-1-9
 30. Barclay Perkins brewing records in the London Metropolitan Archives
 31. Whitbread brewing records in the London Metropolitan Archives
 32. Whitbread Gravity Book, Whitbread Archive in the London Metropolitan Archives
 33. Michael Jackson's Beer Hunter - Kisses, oats and stouts (<http://www.beerhunter.com/documents/19133-001674.html>)
 34. Galante, Stephan (October 1997). "Brew Your Own: The How-To Homebrew Beer Magazine - Beer Styles - Oatmeal Stout" (<http://www.byo.com/stories/beer-styles/article/indices/11-beer-styles/1194-oatmeal-stout-style>). *byo.com*. Retrieved 28 November 2011.
 35. Young's - our beer (<http://www.youngs.co.uk/ProductPage.aspx?pageID=11&&productID=6>)
 36. rogue.com : Rogue Brews (<http://www.rogue.com/beers/chocolate-stout.php>)
 37. "Porterhouse" (<http://www.porterhousebrewco.com/>). Porterhousebrewco.com. Retrieved 2012-08-15.
 38. John Pudney (1971). *A draught of contentment: the story of the Courage Group*.
 39. *Alcohol and Temperance in Modern ...* - Google Book Search (<http://books.google.co.uk/books?id=BuzNzm-x0l8C&pg=PA177&dq=Courage+Russian+Imperial+STout#PPA176,M1>). books.google.co.uk. 2003. ISBN 978-1-57607-833-4. Retrieved 2009-03-13.
 40. Baltic Porters (<http://allaboutbeer.com/baltic-porter-4/>)

External links

Retrieved from "<https://en.wikipedia.org/w/index.php?title=Stout&oldid=672789622>"



Wikimedia Commons has media related to ***Stout***.

Categories: Beer styles | History of alcoholic beverages

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Smokestack Series

Taking our passion to new heights.

A labor of love, these bold, complex ales include both traditional styles and daring experiments, allowing our brewers to explore some of the more esoteric realms of their craft. They have been carefully nurtured and refined through countless test brews over many years.

Each Smokestack beer boasts a unique and distinctive personality — no wallflowers here. Some display intense hoppiness, others a remarkable yeast character, still more reveal the mysterious depth of wood aging. The singular nature of these beers is also reflected in their presentation: 750ml champagne bottles with a traditional cork and cage finish.

Some Limited Release Smokestack beers (Saison-Brett and Bourbon Barrel Quad, for example) may be cellared for months or even years, deepening and enriching their complexity. Unlike fine wines, these beers should be stored upright.

THE SMOKESTACK SERIES PORTFOLIO

There are six year-round releases in The Smokestack Series: The Calling, Tell Tale Tart, Tank 7 Farmhouse Ale, The Sixth Glass, Long Strange Tripel, and Dark Truth Stout. Limited Releases and Seasonal Brands also appear in select markets throughout the year. We invite you to explore each of these fine craft beers and discover the legacy behind the libation.

For questions related to the Smokestack Series, try the [Beer FAQ](#) page.

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Smokestack Series FAQ

You have questions. We have beer.

We like to think our Smokestack Series beers speak for themselves, but just in case, we're offering responses to a few of the most-often asked questions on our favorite subject.

- What makes the Smokestack Series different from other Boulevard beers?
- Where does the name "Smokestack Series" come from?
- Will there be more Smokestack beers?
- Where are Smokestack beers brewed and packaged?
- What are the ingredients in Smokestack beers?
- Where can I find Smokestack Series beers?
- Are Smokestack beers available on tap?
- What does the batch number on a Smokestack bottle represent?
- Can you cellar Smokestack beers?
- How do I properly store my Smokestack beers?
- What's the best way to open a Smokestack bottle?
- What is the correct way to serve a Smokestack beer?
- Why do Smokestack beers have so much foam?
- Why is there sediment in a Smokestack bottle?
- Why are Smokestack beers packaged in big bottles?

What makes the Smokestack Series different from other Boulevard beers?

The Smokestack Series is a special collection of bigger, bolder, more complex brews that generally possess a higher alcohol content than our core brands, perfect for sipping or sharing.

Where does the name "Smokestack Series" come from?

Rising high above our original, turn-of-the-century brewery, the old brick smokestack stood silent but faithful watch through decades of rapid and often extraordinary change. When our recent expansion allowed us to fulfill a long-held dream – creating a line of bold new beers, modern riffs on traditional styles – it seemed only fitting to christen them the Smokestack Series.

Will there be more Smokestack beers?

Alive and evolving, the Smokestack Series will grow and develop as our brewers continue to explore the more esoteric realms of their craft. Presently, the Series consists of four year-round brews, several seasonal offerings, and various limited release beers – but keep your eyes open.

Where are Smokestack beers brewed and packaged?

We brew and ferment all Smokestack beers right here at the brewery. Some limited release barrel-aged beers may condition for months or years at an off-site location with naturally cool and consistent climatic conditions. The beers are packaged on our dedicated Smokestack bottling line at our facility just a few blocks down the street from the brewery.

What are the ingredients in Smokestack beers?

Like our core brands, Smokestack beers are made from the four primary ingredients: malted barley, hops, yeast, and water. Depending on the brand, we may employ additional ingredients such as wheat, candy sugar, spices, etc. Specific yeast strains are sometimes used to impart distinct flavor and aroma characteristics, and certain limited release beers are aged in wood barrels. For a complete list of ingredients for each beer, check out the individual beer pages.

Where can I find Smokestack Series beers?

The Smokestack Series can be found in retail establishments like restaurants, bars, liquor stores and grocery stores. To find the retailer closest to you, try our Beer Finder.

Search

Go

Are Smokestack beers available on tap?

Currently, Tank 7 Farmhouse Ale and Double-Wide I.P.A. are the only year-round Smokestack Series brew that are available on tap in retail outlets. Varied amounts of seasonal Smokestack beers are available in select markets as well, and we do our best to have special selections tapped in our Tasting Room for brewery visitors to enjoy.

What does the batch number on a Smokestack bottle represent?

The batch number consists of a letter or number indicating the brand, followed by the Julian date when the beer was bottled. For example, 70071 is a bottle of Tank 7 (7) bottled in 2010 (the first 0) on March 12th (071, the 71st day of the year). We also provide a "Best By" date (mo/yr) underneath the batch number, in this case 03/11. The beer is not necessarily bad after expiration, but may have passed its prime. Seasonal and limited release beers also have a Best By date, but instead of a bottling date, a batch number. For example, 2010-1 on a bottle of Rye-on-Rye is used for the first batch bottled in 2010. The Best By date is 01/13, indicating that we believe this beer can be aged for up to three years.

Can you cellar Smokestack beers?

Smokestack beers are bottle conditioned and generally respond well to limited cellaring. However, we believe that the prime drinking window for most year-round and seasonal Smokestack beers is from three to nine months after bottling, when the flavors have fully developed and harmonized. Our limited release and barrel-aged Smokestack beers, on the other hand, have a "best by" date of approximately three years, and can benefit from more extend aging. We recommend cellaring your beer upright, in a cool, dark, dry location.

How do I properly store my Smokestack beers?

If you plan on consuming your bottles fairly soon, we recommend storing them upright in a consistently cool spot (like, say, a refrigerator). If you are planning on hanging on to the beer for a while for a special occasion, please refer to the above question.

What's the best way to open a Smokestack bottle?

In general, open a Smokestack beer as you would a bottle of champagne. There are several methods, but we recommend removing the wire cage securing the cork, wrapping the bottle's neck and cork in a dish towel, angling the bottle away from living creatures, taking hold of the cork with the towel, and gently twisting the bottle until the cork releases. Occasionally, cork removal can present more of a challenge. In those situations, try following the examples depicted in this [YouTube video](#).

What is the correct way to serve a Smokestack beer?

Smokestack beers are built for comfort, not for speed. Take your time and, if possible, use a style-specific glass designed to best express the specific aroma and flavor characteristics of the beer. If you don't have the perfect glass, a stemmed, tulip-shaped vessel will serve the purpose, even an ordinary wine glass. If you would like to purchase a lovely and anatomically correct Smokestack Series glass from our Dry Goods store, [click here](#).

Why do Smokestack beers have so much foam?

Most Smokestack beers have relatively high levels of CO₂ to balance the malty sweetness and to allow the flavors to "explode" across your taste buds. In barrel-aged beers, carbonation is kept more moderate to better pronounce the vanilla and toffee flavors imparted during wood aging. To properly decant a Smokestack beer, start by pouring gently into a glass held at an angle. Slowly straighten the glass to control the amount of foam. While your mouth savors the taste, your eyes can revel in the fluffy head that leaves telltale lacing on the glass as you enjoy it.

Why is there sediment in a Smokestack bottle?

Smokestack beers are unfiltered to avoid stripping flavor from the beer. Besides yeast from the bottle conditioning, the bottom of a bottle may also hold some build-up of proteins. You can choose to avoid this sediment by decanting the bottle, leaving the last 1/2" or so in the bottle. If you don't mind a cloudy, full-flavored beer, feel free to pour every last drop.

Why are Smokestack beers packaged in big bottles?

In many cultures, beer is a social experience underscored by quality rather than quantity. By packaging these beers in 750ml champagne bottles, we invite you to share these beers with family and friends, or to enjoy them with a meal. We do offer some Smokestack beers in four-packs of 12-ounce bottles because, well, sometimes you just want to enjoy a special beer all by yourself.



103104

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■ 5.16 US Gallons

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(2) CONSUMPTION OF ALCOHOLIC BEVERAGES IMPAIRS YOUR ABILITY TO DRIVE A CAR OR OPERATE MACHINERY AND MAY CAUSE HEALTH PROBLEMS.

DOGPATCH 2505 THIRD-ST

MAGNOLIA ALES has been in San Francisco, CALIFORNIA for nearly two decades. We think bringing you the pleasures of the pint is just about the coolest job in the world. This keg contains:

Smokestack Lightning
ABV 10.5%

www.magnoliabrewing.com % ALC. BY VOL

KEEP COLD



Twelve 750 ml (25.4 fl oz) Bottles

Smokestack Series • BOULEVARD • LABS LIVE MISSOURI • BREWING CO • Smokestack Series

Smokestack Series

Inside this box you'll find distinctive, small batch smoked beers, each a genuine labor of love. Boulevard's Smokestack Series includes both traditional styles and bold experiments, allowing our brewers the freedom to explore some of the more unique variations of their craft.

We hope you enjoy the fruits of their labor, and we encourage you to stay tuned — the Series continues to evolve and expand, with special limited release offerings you won't want to miss. Learn more at boulevard.com.



PTO Form 1583 (Rev 5/2006)
OMB No. 0851-0055 (Exp 09/30/2014)

Combined Declaration of Use and Incontestability under Sections 8 & 15

Handwritten Signature

To the Commissioner for Trademarks:

REGISTRATION NUMBER: 3509698

REGISTRATION DATE: 09/30/2008

MARK: SMOKESTACK SERIES

The owner, DUVEL ASSET COMPANY S.A.R.L., a limited liability company, having an address of
AM HOCK 2
WEISWAMPACH, L-9991
Luxembourg

is filing a Combined Declaration of Use and Incontestability under Sections 8 & 15.

For International Class 032, the mark is in use in commerce on or in connection with **all** of the goods or services listed in the existing registration for this specific class: **Beer, ale and malt liquor; and** the mark has been continuously used in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with **all** goods or services listed in the existing registration for this class. Also, no final decision adverse to the owner's claim of ownership of such mark for those goods or services exists, or to the owner's right to register the same or to keep the same on the register; and, no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts exists.

The owner is submitting one(or more) specimen(s) for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) Specimen.

Specimen-1 [SPN0-66195157126-112401456_-_SPECIMEN.pdf]

A fee payment in the amount of \$300 will be submitted with the form, representing payment for 1 class (es), plus any additional grace period fee, if necessary.

Declaration

The mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce. There has been no final decision adverse to the owner's claim of ownership of such mark, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the U.S. Patent and Trademark Office or in the courts.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature Section

Signature: 
Date: 3/11/14
Signatory's Name: Daniel Krug
Signatory's Position: Director

NOTE TO APPLICANT: When filed as part of the electronic form (i.e., scanned and attached as an image file), the signature page **must** include both the signature information **and** the boilerplate declaration language. Do **not** include the entire application, but do ensure that the boilerplate declaration language actually appears; *a signature by itself will not be acceptable*. If, due to browser limitations, the boilerplate declaration language appears on a previous page when printed, you must "merge" the declaration and signature block onto a single page prior to signing, so that the *one complete page* can be scanned to create an acceptable image file. It is recommended that you copy-and-paste the entire text form into another document, manipulate the spacing there to move the declaration and signature section to a separate page, and then print this new version of the text form to send to the signatory.



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Typed Drawing

Word Mark SMOKESTACK

Goods and Services IC 042. US 100 101. G & S: restaurant services, namely, preparing food for human consumption on and off the premises. FIRST USE: 19570116. FIRST USE IN COMMERCE: 19570116

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75181087

Filing Date October 15, 1996

Current Basis 1A

Original Filing Basis 1A

Published for Opposition July 22, 1997

Registration Number 2110643

Registration Date November 4, 1997

Owner (REGISTRANT) Smokestack Barbecue Restaurant, Inc. CORPORATION MISSOURI 501 WEST 107TH STREET KANSAS CITY MISSOURI 64114

Attorney of Record I. Edward Marquette

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20080519.

Renewal 1ST RENEWAL 20080519

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SMOKESTACK

Word Mark SMOKESTACK**Goods and Services**

IC 029. US 046. G & S: Meats and prepared foods, namely, prepared meat, processed fruits and vegetables, cut fruits and vegetables, prepared meals consisting primarily of meat or vegetables, and other food dishes for human consumption, namely, prepared meals consisting primarily of fish or poultry, baked beans, cooked fruits and vegetables, food package combinations consisting primarily of cheese, meat and/or processed fruit, fruit and vegetable salads, and potato salad. FIRST USE: 19991231. FIRST USE IN COMMERCE: 19991231

IC 030. US 046. G & S: Food dishes for human consumption, namely, sandwiches, prepared entrees consisting primarily of pasta or rice, macaroni salad; sauces; seasonings; condiments, namely, chutneys, prepared horseradish, ketchup, mustard, mayonnaise, hot sauce, barbecue sauce. FIRST USE: 19991231. FIRST USE IN COMMERCE: 19991231

Standard Characters Claimed**Mark****Drawing Code**

(4) STANDARD CHARACTER MARK

Serial Number

85489615

Filing Date

December 7, 2011

Current Basis 1A
Original Filing Basis 1B
Published for Opposition June 26, 2012
Registration Number 4518184
Registration Date April 22, 2014
Owner (REGISTRANT) SMOKESTACK BARBECUE RESTAURANT, INC. CORPORATION MISSOURI 501 WEST 107TH STREET KANSAS CITY MISSOURI 64114
Attorney of Record I. EDWARD MARQUETTE
Prior Registrations 2110643
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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THE SMOKESTACK

Word Mark	THE SMOKESTACK
Goods and Services	IC 030. US 046. G & S: Sandwiches
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86556088
Filing Date	March 6, 2015
Current Basis	1B
Original Filing Basis	1B
Owner	(APPLICANT) Phoenix Intangibles Holding Company CORPORATION DELAWARE Two Greenville Crossing 4005 Kennett Pike, Suite 220 Greenville DELAWARE 19807
Attorney of Record	David V. Radack
Type of Mark	TRADEMARK
Register	PRINCIPAL
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[FIRST DOC](#) [PREV DOC](#) [NEXT DOC](#) [LAST DOC](#) Please logout when you are done to release system resources allocated for you. List At: OR to record: **Record 10 out of 12**[TSDR](#) [ASSIGN Status](#) [TTAB Status](#) *(Use the "Back" button of the Internet Browser to return to TESS)***SMOKESTACK****Word Mark** SMOKESTACK**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Optical stack of removable lenses for face shields attached to helmets and for eye shields such as goggles having a lense cover plate. FIRST USE: 20001211. FIRST USE IN COMMERCE: 20001211**Mark Drawing Code** (1) TYPED DRAWING**Serial Number** 76015914**Filing Date** March 31, 2000**Current Basis** 1A**Original Filing Basis** 1B**Published for** November 14, 2000**Opposition****Registration Number** 2478662**Registration** August 14, 2001

Date

Owner (REGISTRANT) RACING OPTICS, INC. CORPORATION CALIFORNIA 6160 N. HOLLYWOOD BLVD SUITE
106 LAS VEGAS NEVADA 891151002

**Attorney of
Record** KIT M. STETINA

**Type of
Mark** TRADEMARK

Register PRINCIPAL

**Affidavit
Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20100917.

Renewal 1ST RENEWAL 20100917

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Indicator** LIVE

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Word Mark	THE SMOKESTACK CO.
Goods and Services	IC 004. US 001 006 015. G & S: Wood chips for barbecue grilling. FIRST USE: 20060525. FIRST USE IN COMMERCE: 20060727
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Trademark Search Facility Classification Code	NOTATION-SYMBOLS Notation Symbols such as Non-Latin characters,punctuation and mathematical signs,zodiac signs,prescription marks
Serial Number	76656836
Filing Date	March 17, 2006
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	January 9, 2007
Registration Number	3330165
Registration Date	November 6, 2007
Owner	(REGISTRANT) Davis, Brant Stewart DBA The Smokestack Co. INDIVIDUAL UNITED STATES 19333 N. Buck Rd. Acampo CALIFORNIA 95220

(LAST LISTED OWNER) SMOKESTACK CO., INC., THE CORPORATION CALIFORNIA P.O. BOX 451
VICTOR CALIFORNIA 95253

**Assignment
Recorded**

ASSIGNMENT RECORDED

**Attorney of
Record**

R. Michael West

Disclaimer

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "CO." APART FROM THE MARK AS
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SECT 15. SECT 8 (6-YR).

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Typed Drawing

Word Mark SILOS & SMOKESTACKS**Goods and Services** IC 042. US 100 101. G & S: promoting public awareness of the need to recognize, preserve and celebrate America's agricultural and industrial heritage. FIRST USE: 19920526. FIRST USE IN COMMERCE: 19920526**Mark Drawing Code** (1) TYPED DRAWING**Serial Number** 74420989**Filing Date** August 5, 1993**Current Basis** 1A**Original Filing Basis** 1A**Published for Opposition** November 29, 1994**Registration Number** 1880159**Registration Date** February 21, 1995**Owner** (REGISTRANT) America's Agricultural/Industrial Heritage Landscape, Inc. NON-PROFIT CORPORATION
IOWA P.O. BOX 2845 Waterloo IOWA 50704**Attorney of Record** James C. Nemmers**Type of**

Mark SERVICE MARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20150204.
Renewal 2ND RENEWAL 20150204
Live/Dead Indicator LIVE

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Smokestack Studios

Word Mark SMOKESTACK STUDIOS**Goods and Services** IC 035. US 100 101 102. G & S: Retail store services and online retail store services featuring home furnishings, namely, shelves, tables, desks, lamps and lighting fixtures, home decor and accessories, vinyl decals, and signs. FIRST USE: 20130823. FIRST USE IN COMMERCE: 20140131**Standard Characters Claimed****Mark Drawing Code** (4) STANDARD CHARACTER MARK**Serial Number** 86215451**Filing Date** March 8, 2014**Current Basis** 1A**Original Filing Basis** 1A**Published for Opposition** July 22, 2014

**Registration 4617228
Number****Registration
Date** October 7, 2014**Owner** (REGISTRANT) Smokestack Studios LLC DBA Smokestack Studios LIMITED LIABILITY COMPANY
MISSOURI 7411 Mill Bridge Ct. Saint Louis MISSOURI 63129**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "STUDIOS" APART FROM THE MARK AS
SHOWN**Type of
Mark** SERVICE MARK**Register** PRINCIPAL**Live/Dead
Indicator** LIVE

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Smokestack Studios

Word Mark	SMOKESTACK STUDIOS
Goods and Services	IC 020. US 002 013 022 025 032 050. G & S: Industrial, rustic, chic furniture, accessories, interior design, reclaimed furniture, custom. FIRST USE: 20130801. FIRST USE IN COMMERCE: 20130801
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	86402413
Filing Date	September 22, 2014
Current Basis	1A
Original Filing Basis	1A
Owner	(APPLICANT) Smokestack Studios LIMITED LIABILITY COMPANY MARYLAND 154A North Market St Frederick MARYLAND 21701
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Vertigo Brewing

Vertigo Taproom features the best from our brewers. We opened with a handful of favorites, but expanded to include our customer's favorite selections of beer. The following beers represent the wide selection (usually) available in our taproom. In stores, restaurants, and taprooms around the Hillsboro (and surrounding) communities we offer a limited selection. Our customers are our biggest support, if you want our beer at your favorite watering hole, tell them about us and our beers.

If you are looking to purchase sixth barrel or Half barrel kegs, please give the brewers a call for current availability... Brewer's new policy for Corny Keg fills: Next Day service...



Uno Mas

IBU: 73 | ABV: 7.2%

This NW style IPA Brewed with an abundance of Mosaic, Amarillo and Simcoe hops give this beer a bold citrusy hop character and Aroma. Finished with 8 lbs of dry hops, this IPA will leave you asking for Uno Mas.



Apricot Cream Ale

IBUs: 15 | ABV%: 5.1

Light, crisp ale finished with a mellow hint of apricot.



T.B.D. Blonde

IBUs: 15 | ABV%: 5.1

A light refreshing beer. Crisp with a soft, light malt flavor and a great introductory beer for patrons new to craft microbrews.



The Closer Pale Ale

IBUs: 55 | ABV%: 5.7

Hops! Light in body and full of flavor, soft enough for long summer days at the ballpark packed with the great flavor of hops. Vertigo Brewing's tribute to our local boys of summer, the Hillsboro Hops. This is a seasonal selection and will not be available year round in the taproom.



Razz Wheat

IBUs: 15 | ABV%: 5.3

A recipe to blend the lightness of wheat beer with the refreshing subtle tastes of real raspberries.



Smokestack Red

IBUs: 24 | ABV% 5.3

Our American Red Ale focuses on the initial rich malty character and moderate caramel flavor. A touch of roasted presence with mild hop bitterness.



Arctic Blast Vanilla Porter

IBUs: 18 | ABV%: 4.8

A dark, full-bodied porter lightly hopped so the chocolate character surfaces with a smooth taste and finished with a hint of vanilla.



Friar Mike's IPA (India Pale Ale)

IBUs: 62 | ABV%: 6.1

A Hand-crafted English-American Hybrid IPA recipe, brewed with abundant amounts of Northwest Hops.

Dry-Hopped Friar Mike's IPA

Same recipe, but dry-hopped during secondary fermentation with Amarillo Hops.

Friar Gone Wild Imperial IPA

IBUs: 100+ | ABV%: 9.0

Extreme (Over the Top) hopped version of crowd favorite Friar Mike's IPA; additional hoppiness established by dry hopping with Amarillo hops during secondary fermentation.

Vertigo TapRoom Seasonal Beers



Harvest Hefe (Summer 2015)

IBUs: 17 | ABV%: 5.3

Our delicious Harvest Hefe subtracts the raspberries from our best-selling Razz Wheat and spices things up with Hefe. If you love our delicious fruit ale, but would like to try it year-round without the fruit — this is your beer.

Schwindel Alt (onTap ~ Summer 2015)



IBUs: 25 | ABV%: 5.1

Our Northern German Altbier recipe is carefully brewed and lagered at colder temperatures for a smooth, clean taste.

[left] Nut Brown (winter seasonal)

IBUs: 27 | ABV%: 7.1

Good Things are better during the right season. It is spring/summer and the [left] Nut Brown season has passed. Our Winter Warmer, our American brown ale is brewed with Golden Promise base malt for the nutty character, tempered with an abundance of Crystal 120L, Munich and chocolate malts to give it a malty

richness. Northern Brewer and Mt Hood hop additions balance the nutty, malty profile. The kicker is the five pounds of honey per barrel to finish the flavor.

Tropical “Key Lime” Blonde Ale (On Tap for limited Time – 5/27)



IBUs: 15 | ABV%: 5.1

Our Summer Seasonal; a light, crisp beer with Key lime tropical flavor.

Vertigo TapRoom Series Beers



“SuperDude!” Barrel-Aged Russian Imperial Stout (Think November)

IBUs: 50 | ABV%: 10.0

We are getting ready to brew this bad boy again, so stay tuned. Dude will Abide! Aging for six months in a Big Bottom Whiskey Barrel, this dark full-bodied stout absorbs maximum amounts of bourbon character and flavor. Rich and smooth, the “SuperDude!” is our best stout yet.

**Tropical HeatWave Blonde (Not currently available ~ 7/6)**

IBUs: 15 | ABV%: 5.1 | Scoville Heat Index: Brutal!

Our "Tropical Blonde" with a kick; the key lime tropical flavor infused with habanero chili heat. More than a subtle spice, a flavorful burn. On its own or in a blend (try the Razz or Arctic Blast) to tone down the heat. Consume at your own risk.

¹ Note: Tap listings are subject to change without notice. We spend most of our time brewing, so there may be some lag between tap changes and changes in the website.



Follow @Vertigobrew

Dock Sales & Taproom Hours

Taproom Hours:

Wed – Friday: 4 pm – 9 pm

NEW Sat. Hours: 2 – 9 pm

Sunday - Tues: CLOSED

21420 NW Nicholas Ct.
Suite D-6 & D-7
Hillsboro, OR 97124 **503.645.6644**

Taproom Events

- **Intel Dollar Discount Day**

Every Wed.

- **FOOD TRUCK!**

July 3rd – Mr Taco

10th – Monte Cristo

17th – Firebox Pizza

24th – Bro Dogs

31st - Monte Cristo

Aug 7th – Monte Cristo

14th – Mr Taco
21st = Bro Dogs
28th – Firebox Pizza
● Hoppy Hours
July 2,3, 9-11, 18, 22nd
● BEER PREMIERE!
FRESH! RAZZ WHEAT
July 1st
280 lb of fresh picked raspberries from Gonzalez Berry Farms!
● Trivia Night
July 15th ~ 7 - 9 pm
● Thirsty Third Thursday
July 16th
● Band Night: Pickering's Well
July 18th ~ 6:30-8:30 pm
● Taproom Closed
July 22nd
● OREGON BREWER'S FEST.
July 22 - 26
PDX Waterfront Park
● SPECIAL EVENT!
RYAN WHYTE MALONEY
July 30th ~ 6 - 9 pm

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Smoke Stack Brown Ale

Tin Roof Brewing Co.

English Brown Ale

TOTAL
16

MONTHLY
1

UNIQUE
16

YOU
0

N/A

N/A

(3.07)

15
Ratings

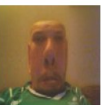
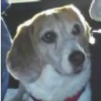
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Smokestack Heritage Porter - East End Brewing Company

Not Rated. [Log in or Sign up to rate it now!](#)

BA SCORE
90
outstanding

67 Reviews

THE BROS
-
no score

(Send Samples)

Reviews: 67
Hads: 112
rAvg: 4.09
pDev: 7.82%
Wants: 63
Gots: 13 | FT: 0

Brewed by:
East End Brewing Company
Pennsylvania, United States

Style | ABV
Smoked Beer | 6.80% ABV

Availability: Winter

Notes & Commercial Description:
Beer added by: jasonm on 07-02-2007

Nov/Dec release.

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Beer: Reviews & Ratings

Sort by: Recent | High | Low | Top Raters

first ← prev | 1-25 | 26-50 | 51-75 | next → last

Reviews: 67 | Hads: 112

4.32/5 rDev +5.6%
look: 4.25 | smell: 4 | taste: 4.5 | feel: 4.5 | overall: 4.25

Growler pour > Pint Glass

A - Brown/black with half a finger of fizzy tan head, small spotty lacing.
S - Different from a lot of other smoked beers, more of a smoked grain and woody smell, which is great, dark chocolate notes, toast, burnt toffee.
T - Outstanding flavor, big smokey hickory flavor, some nice light dark chocolate sweetness, a little bit of a dark dried fruit undertone, very hard to grab, a touch of coffee. This doesn't have that bacon kinda flavor that some smoked beers tend to have. There's also a nice semi fruity and pine hop bite to it as well. Just excellent.
M - Velvety silky smooth texture.
O - Best smoked beer I've had, this lives up to its reputation. Get some at all chances. (716 characters)

Omnium, Jan 20, 2014



3.56/5 rDev -13%
look: 4.25 | smell: 3.25 | taste: 3.5 | feel: 4.75 | overall: 3.25

A sample courtesy of Pablo, gracias amigo!! Poured at a good temperature, with a thick, tan, creamy head and lots of lace. Color is an opaque brown black. Aroma is smoke and malt, bit of fruit. Flavors like malt, and smoke are dominant, bittersweet right behind along with tang. I'm not a huge smoke beer fan so subdued smoke is more my speed. Friends like it much more than me. Finish is clean, true, and a little on the short side. Not bad for a smokey treat. (461 characters)

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Dark Horse Brewing Company

Smoking Wood Rye Barrel Aged
The Bruery

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New Belgium Brewing

Smoking Wood Bourbon Barrel Aged
The Bruery

Smoked Porter
O'Fallon Brewery

Evil Twin Ashtray Heart
Evil Twin Brewing

Fireside Ale
Weyerbacher Brewing Co.

Smoke Ale
Rogue Ales

Norwegian Wood
HaandBryggeriet

Otto Ale
Victory Brewing Company

Gotlandsdricka
Jester King Brewery

Unplugged Smoked Rye Ale
New Glarus Brewing Company

Evil Twin The Cowboy
Evil Twin Brewing

Charkoota Rye
New Holland Brewing Company

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drpimento, Nov 24, 2013

**4.06/5** rDev -0.7%

look: 3.5 | smell: 4.25 | taste: 4 | feel: 4.25 | overall: 4

Had this on 2013-01-25 in Columbia, PA from a 33.8 oz swing top with a bottling date of 2011-10-26.

A - Opaque, almost black with a light tan head that disappears quickly and leaving very light lacing.

S - Smoke, medium roasted grain, background dark chocolate.

T - Very smoky at first, then some malt sweetness, then a resurgence of smoke and maybe some umami. Dark roasted coffee that wasn't apparent to me in the smell. Still a touch of dark chocolate. The smokiness diminishes but doesn't disappear in the flavorful, mildly sweet and roasted-bitter aftertaste.

M - Medium body and light-medium carbonation. Smooth and a little creamy. Nice firm feel.

O - While smoked beer's aren't close to being my favorite style, I gotta say, this is a fine one and as much as I enjoyed it; my wife liked it even more. Going to have this again and am looking forward to trying more East End brews. (895 characters)

Tucquan, Jan 25, 2013

**4.03/5** rDev -1.5%

look: 4.5 | smell: 4 | taste: 4 | feel: 4 | overall: 4

I've been holding on to this one for quite some time now. I'm not sure if it was from the first release or the second. Hell. I don't really know how many releases there have been on this one.

Anyways, it's smoked alright. Real smoky. If you don't like rauchbiers, you may have a hard time with this. And, a liter of it, no less. It gets a little smoother as it warms and time goes on, but it's pretty one dimensional. Very full smoke tones to it though. For a smoked beer, it's nice. A bit too intense to go back to, but that might be because this style isn't my absolute favorite. (To note: I went back to this 24 hours later and the smoke was much more subdued. Malt body was nice. Overall porter tones were good.) (718 characters)

RblWthACoz, Aug 19, 2012

**4.17/5** rDev +2%

look: 3.5 | smell: 4 | taste: 4.5 | feel: 4 | overall: 4

Thanks goes out to Hojaminbag for this brew.

1 Liter Swing-Top

Pours a very nice black color, nice carbonation, with a nice little fizzy light tan head, which leaves some sticky lacing behind. The nose is big time malty, with some nice smoky/roast note, chocolate/toffee/coffee notes. The taste is very nice and malty, with lots of chocolate/toffee notes, slight coffee, nice touch of smokiness/roastiness. Medium body, this one is kinda creamy, with a very slight bitter finish. A tasty little brew from EEBC. Thanks Ben! (524 characters)

Wasatch, Apr 10, 2012

**4.32/5** rDev +5.6%

look: 4 | smell: 4.5 | taste: 4.5 | feel: 4 | overall: 4

Poured from a large swing-top bottle into my Dogfish snifter. It poured pretty close to black in color with a thin tan head barely covering the top of the beer.

The aroma shows a good amount of smoke to it. I get chocolate and roasted malts mixing with a little bit of a sweeter, brown sugar flavor. Great smokiness to it.

The taste has some great smoky flavors to it throughout. It shows more of a roasty, coffee, dark chocolate quality to it up front, while the finish is really where the smoke shines. I get some sweeter, brown sugar and bacon like flavors to the smoke in the finish as well.

The mouthfeel is medium bodied for the style with moderate carbonation. Overall I thought it was a great beer. I loved that it wasn't shy with the smokiness, but not overwhelming either. It was very smooth but had some very bold flavors at the same time. One of the best smoked beers I've had. (895 characters)

billab914, Feb 10, 2012

4.3/5 rDev +5.1%

look: 4 | smell: 4 | taste: 4.5 | feel: 4 | overall: 4.5



Serving Type - 1 quart swing top bottle

Appearance - Dark tan/black, nice foamy 1 inch head, plenty of lacing.

Smell - Smoke, malts, Coffee, dark fruits, wood, Some chocolate and a little molasses.

Taste - Smokey malts and a sweet fruit backbone are the first flavors. I get a bacon/brown nut flavor from the smoke. Coffee and some very mild chocolate add a bitter, yet flavorful bonus in each drink. There's a little bit more of a hop presence than I expected.

Mouthfeel - It's thick, yet rather easy on mouth. Not overly bitter, or overboard with coffee. The tongue and palette get the smoke, malts and coffee, yet aren't crushed in any way. After taste is a little bitter, chocolate and malty.

Overall - Great beer, very easy to drink, and balanced. Was worried the smoked flavor would be overboard but, it is nice and mild, and just adds to a great porter. Very nicely done, can't wait to have again. (902 characters)

wvsabbath, Dec 23, 2011



3.83/5 rDev -6.4%

look: 4.5 | smell: 4 | taste: 3.5 | feel: 4 | overall: 4

Smoked beers are by far my least favorite style but I gave this one a shot and was pleasantly surprised.

A - Black as night with a really nice 2 finger toffee colored head. Good retention and lacing.

S - Smoke and peat are really heavy first but then I get small hints of sweet malt and chocolate. There is also a very small hint of coffee present.

T - Smoke hits the tongue first followed by a very smooth milk chocolate, and roasted malt flavor. Smoke lingers in the aftertaste.

M - This is a medium to heavy bodied beer with good carbonation. All the flavors complement each other pretty well. It is drier than I anticipated but really nice.

O - Overall this was pretty good the smoke didn't dominate like I expected which was nice. Not my first choice in brew but very drinkable. (806 characters)

cps98, Dec 13, 2011



4.15/5 rDev +1.5%

look: 4.5 | smell: 4.5 | taste: 4 | feel: 4 | overall: 4

Big thanks to the Central PA crew for sending this.

A: pours an opaque black, dark brown creamy head

S: onslaught of smoke on the front, smells like a BBQ pit...notes of hickory and char, chocolate is present in the background. Very smoke forward.

T: as the nose suggests, the taste is very smoke forward. Hickory and smoke come through along with dark chocolate. Great balance of flavors. The smoke is very present but never becomes overwhelming. The resulting product is quite enjoyable.

MF: medium body, medium carbonation

O: this beer features and excellent use of smoke. Great balance, great malt backbone, definitely worth a try or three. (649 characters)

homebrew311, Nov 16, 2011



4/5 rDev -2.2%

look: 4 | smell: 4 | taste: 4 | feel: 4 | overall: 4

A: Dark brown, almost black, in color. Forms a foamy tan head that slowly reduces to a patchy surface coating. No lacing.

S: Smokey. Lots of roasted malts. Almost bacony.

T: Roasted malts, smoke, a little char. Brown sugar. And a light creaminess that just seems to blend in with everything else.

M: Medium bodied. Lower carbonation. Creamy. Very mild bitterness.

O: A good smoked beer with a nice balance of flavor and an apparent, but not overdone, amount of smoke. (474 characters)

Florida9, Sep 21, 2011

**4.12/5** rDev +0.7%

look: 4 | smell: 4.5 | taste: 4 | feel: 4 | overall: 4

Served in a flared pokal.

Big thanks to the Central PA group from the Gang Bang BIF for this bottle!

Just can't get over these large swing-tops from East End. Good times, indeed. This one pours a dark garnet-brown topped by plenty o' khaki foam. The nose comprises maple-smoked bacon, brown sugar, molasses, maple syrup, and light roasted malts. The taste holds notes of maple syrup, light molasses, light hickory smoke, brown sugar, and very light roasted malts. The body is a solid medium, with a very light moderate carbonation and a kinda syrupy-ish feel. Overall, a very nice brew, one that doesn't overdo it on the smoke (actually, I almost want a little more...), but instead balances it with the sweeter and more porter-y characteristics. Right on. (758 characters)

TMoney2591, Sep 06, 2011

**4.02/5** rDev -1.7%

look: 3.5 | smell: 4 | taste: 4 | feel: 4.5 | overall: 4

East End's Smokestack Heritage Porter pours up with a moderate carbonation that creates a rather loose, frothy dark tannish-brown colored head that quickly collapses above the nearly opaque, oily dark brown-black body. The smoke certainly dominates the aroma, yet its very roasty as well with plenty of black roasted malt supported by a developed chocolate/caramel character with notes of burnt wood, charred meat, peat moss, espresso beans & vanilla that compliment the dominant smokiness. Light-moderate fruitiness (chocolate cherry, dried dates, black mission figs) with maybe a hint of oxidation that's starting to creep in? The flavor starts off expectedly smoky with hints of bacon/ham, peat bog, and charcoal fired meats then develops a dominate black patent character that intermingles with the underlying chocolate & caramel sweetness that's balanced by a subtle bitterness which dries out the slightly acrid, mildly burnt, long smoky-sweet finish. This medium bodied smoky robust porter has a light oily texture with good carbonation, an excellent creaminess & enough malt complexity to sale all of the smokiness. My hope is that East End will consider brewing & bottling this one on a more regular basis. Smokestack Heritage Porter makes a fine choice for pairing with a large variety of gastronomic delights at the dinner table. Here's to the fine blue-collar heritage in Homewood. *Retro review from 1/10*

CHEERS! Beertracker

*Trader's Note: Many thanks to CrazyMacHarris99 for this smoky elixir! (1,512 characters)

Beertracker, Feb 04, 2011

**1.82/5** rDev -55.5%

look: 4 | smell: 2 | taste: 2 | feel: 1 | overall: 1

Unique is a good word to describe this. Maybe its just the style (this is the only one I have ever had of this), but I was really put off by this. It tasted like an ashtray, not a beer. VERY smokey. But smoke as in cigar smoke, not malty smoke. No hop/malt flavor or taste. Not worth it. (287 characters)

kimbo33, Jan 01, 2011

**4.15/5** rDev +1.5%

look: 4 | smell: 4 | taste: 4.5 | feel: 3.5 | overall: 4

My brother Curt gave me a bottle. Thanks!

Sampling at cellar temp and poured into a snifter. The beer is pitch black with frothy tan head of 2 cm that fades quickly to an edge layer. Aroma is smokey notes and ash, mixed with some rich cocoa malt. No real hop presence to speak of in this brew. First sip reveals a fine rolling carbonation, silky texture, and an average body.

Flavor is all malt with roasted burnt male and ashy firepit notes, some very dark high cacao chocolate bar. No hops again and the booze is hidden. Very easy to drink, leaves a lingering smokey finish after each sip.

Well crafted beer. (612 characters)

sulldaddy, Nov 25, 2010

**4.36/5** rDev +6.6%

look: 3 | smell: 4.5 | taste: 4.5 | feel: 4 | overall: 4.5

One liter swingtop bottle to pint glass. No ABV or date on the bottle. \$23 (including a \$3 deposit) at my bottleshop.

A: After a loud pop upon uncorking, this beer pours with a large 2 1/2 finger cappuccino colored head, creamy/frothy texture and semi-long lasting. Lingering film remains. The body is dark brown with amber edges along the glass when held to light. Spare lacing. Sediment is included on the last pour.

S: Heavily malted with various aromas of roasted coffee, dark bitter chocolate, over rendered caramel plus light nuttiness. Hops are light and resinous. Substantial yeast qualities reminiscent of leather and dough. A light brothy component is mixed in.

T: Smokestack Heritage includes just the right amount of smoke, delicately integrated as a charred flavor, not like beef jerky or BBQ. Long flavors of wood, tobacco, tootsie roll plus light soy sauce and vanilla.

M: The body is somewhere between medium-light and medium. The texture is smooth, bordering on slick and perhaps a touch thin. It does, however, pick up a little fullness and creaminess as it warms. Day-old soda-like effervescence. There is a brief astringency on the finish.

D: Highly palatable, highly drinkable. This was accomplished by making the smoke just one of the elements instead of THE element, which is something most smoked beers could learn from. (1,348 characters)

FeDUBBELFIST, Oct 10, 2010



4.24/5 rDev +3.7%

look: 4 | smell: 5 | taste: 4 | feel: 4 | overall: 4

Bottle shared by Jay - thanks!

Pours black with a half-finger tan head. The head recedes into a wispy layer on top leaving decent lacing.

Smells of huge amounts of smoked malts - somewhere between leather and smoked meat. Also present and serving as a backbone are robust roasted malt aromas with hints of unsweetened chocolate.

Tastes similar to how it smells, though not as intense. Equal parts roasted and smoked malt flavors kick things off. Joining in shortly thereafter are fairly bitter unsweetened chocolate flavors. Midway through the sip the chocolate flavors fade and the smoked malt flavors take over, drying out the profile. The smokiness carries through to a solidly bitter ending.

Mouthfeel is good. It's got a nice thickness with smooth carbonation.

Drinkability is also good. I finished my glass without a problem and could have another.

Overall I thought this was a very good beer with a nose that is simply phenomenal - an almost perfect balance between smokiness, roasted malts, and unsweetened chocolate. Well worth a shot. (1,050 characters)

glid02, Oct 07, 2010



4.05/5 rDev -1%

look: 4 | smell: 4 | taste: 4 | feel: 4.5 | overall: 4

Big thanks to Cyrusthepup for sharing this

A - Black and oily porter with a decent head and retention.

S - Smoky elements outweigh all else; some grassy or leafy hop is trying to get noticed, but to little avail.

T - Tastes just like the smoked turkey leg at Disney World, across from the Haunted Mansion. But unlike that leg which ends up being closer to rawhide than what you'd bargained for, this smoked turkey leg really delivers on all of its promise.

M - Nice body; a porter all the way.

D - Very good brew; comparable to Yazoo's Sue. (545 characters)

ktrillionaire, Jul 13, 2010



4.42/5 rDev +8.1%

look: 4 | smell: 4.5 | taste: 4.5 | feel: 4 | overall: 4.5

Pours an opaque brown with tan head. Great head retention and lacing. Lots of roasted malt, with chocolate and a nice smokiness. It reminded me of the smoke used to cure bacon (vs chimney style smoke). Flavour is of a wonderful roasted chocolate and smoke combination. Creamy mouthfeel and I had no trouble finishing off my glass and pouring more (since the bottle was pretty big).

I'm really glad Sammy suggested that I go to this brewery in Pittsburgh to pick this one up! (475 characters)

kwjd, Jul 12, 2010

**3.8/5** rDev -7.1%

look: 4 | smell: 4 | taste: 4 | feel: 4 | overall: 3

A: A very nice pour, with a nearly black appearance and a solid two finger's worth of brown head.

S: You can smell the smoke a mile away. Once getting past the intense smokiness, there is a nice roast and mild chocolate aroma.

T: As one might expect, the flavor is incredibly smokey. A bit of woodiness and meatiness to the beer which is somewhat odd. A bit of peat and plenty of roast as well.

M: The body is nice, settling somewhere around medium with mid-level carbonation.

D: This is sort of like beef jerky meets beer, and for some reason, I like it in small doses. That said, I don't think I could sit down and drink a whole bunch of this. (649 characters)

womencantsail, Jun 28, 2010

**4.32/5** rDev +5.6%

look: 4 | smell: 4.5 | taste: 4.5 | feel: 4 | overall: 4

Bottle shared at woodshop 5.1

Poured a very dark syrup brown with a half finger head and left good sticky lacing on the glass. Very nice smoky aroma with roastiness from the malts and faint chocolate notes as well. The flavor is all smoke with a good amount of roastiness and slight chocolate accents but mostly smoke that was not over the top it was well balanced in the brew. The beer was medium body with a fair amount of carbonation that had mild roastiness and a great smoke finish. Very drinkable beer that makes me wanna seek out some more smoked beer. I hope I can get this stuff again. (595 characters)

Gobzilla, Jun 27, 2010

**3.97/5** rDev -2.9%

look: 4 | smell: 4.5 | taste: 3.5 | feel: 4.5 | overall: 4

Lovely stuff, thanks for bringing Ken. Very dark brown with a big bubbly light brown head. Some creamy lace. Delicious aromas. Creamy smooth mouthfeel, understated carbonation. A balanced smokey taste, could be a bit bolder, with a lot of roastiness in the finish. (263 characters)

Sammy, Jun 23, 2010

**3.98/5** rDev -2.7%

look: 4.5 | smell: 4 | taste: 4 | feel: 3.5 | overall: 4

2008 vintage, 1L bottle shared thanks to bring.

Pours very dark brown in color with a two-finger tan head that fades to a ring.

Aroma is roasty and mildly chocolatey with lots of smoke.

Flavor is really nice and smoky. Some meatiness to it with roast, bitter chocolate, and char.

Medium-bodied with a pretty good carbonation level.

Drinkable for the style. A very solid smoked beer. East End has been pretty legit from what I've seen from them so far. (456 characters)

nickd717, May 21, 2010

**3.36/5** rDev -17.8%

look: 4 | smell: 3 | taste: 3.5 | feel: 3 | overall: 3.5

A - very dark with a fast falling dark tan head.

S - smokey but mild porter scent.

T - much like the scent, it is smokey but mild porter.

M - mild coating with slight tingle on the front sides of the tongue.

D - easy drinking and different enough that you would go for another. (282 characters)

biglite351, May 16, 2010

**4.2/5** rDev +2.7%

look: 4 | smell: 4 | taste: 4.5 | feel: 4 | overall: 4

Poured into a pint glass.

4.0 A: Black color. Two fingers of tan head with good retention and touches of lacing.

4.0 S: At this point in its life, a lot of the smoke is gone, but enough remains to take a good porter aroma and add a pleasant smokiness to it. Toasted malts, slightly bready, and coffee tones.

4.5 T: Again, a lot of the smoke is gone, but the underlying porter is still mighty tasty. Lots of coffee again, burnt toast, dark roasted malts. Smoke is still there and supplements rather than stealing the show. Touch of plum fruitiness, but overall rather dry. Well done.

4.0 M: Medium body. Decently creamy, good carbonation, super smooth. Soft lasting burntiness on the finish.

4.0 D: I like this a lot. I wish I would have had more of this when it was fresh. Oh well, I have a damn good porter in my cellar. (825 characters)

DavoleBomb, Apr 09, 2010

**3.78/5** rDev -7.6%

look: 4 | smell: 3.5 | taste: 4 | feel: 4 | overall: 3.5

Pours a nice dark cola color with no light escaping. The head is white to slightly off white with a little lacing. The smell is of smoke, nice charcol bbq smell. The taste is of smoke and charcol with a nice bbq flavor, a slight meaty taste is present in the middle. The mouthfeel is creamy and low carbonated. Overall its drinkable but you would have to like the style. It is a nice change of pace and you could easily drink these if you like the style. (454 characters)

goblue3509, Mar 22, 2010

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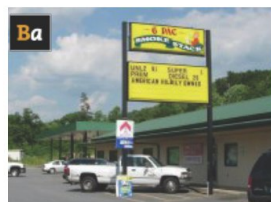
Smokestack Heritage Porter from East End Brewing Company
90 out of 100 based on 67 ratings.

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6 Pack Smokestack

Not Rated. [Log in](#) or [Sign up](#) to rate it now!

BA SCORE

-

no score

2 Reviews

Reviews: 2

Visits: 2

rAvg: 3.98

pDev: n/a

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?

4/5 rDev n/a

6 Pac is located on US 70 about halfway between Swannanoa and Black Mountain. The sign for the place is in the middle of a sort of mini strip mall but 6 Pac occupies the left end of the building.

As you walk in the cooler is to the right and a big banner announces that you can get kegged beer. As I perused the offerings it became apparent that this is a great beer store. A display contained Rodenbach, Unibroue, De Proef and several others and the cooler was slammed full of different and interesting beers. The quality seemed fine and the prices were definitely competitive if not on the inexpensive side. Walking back out the door I noticed some odd looking kegs and they were Belgian beers in sixtels that had been returned. A quick check of the Pisgah and a few other breweries websites turn out that they carry darn near everything or they will order it for you.

Take a minute, pull off I-40 and find your way here. It's certainly not a waste of time. (963 characters)

GCBrewingCo, Jun 08, 2006

♂

3.95/5 rDev n/a

A buddy and me were trying to find the Pisgah Brewery. We were having difficulties so we stopped at this convenience store to ask for directions. I went to the back to get a drink(soda) to buy while I asked for directions. Wow! I saw about 5 coolers full of beer and only two of them devoted to BMC. The other three had typical craft brew distributed in the Asheville area. They also had a small shelf of Belgians and another shelf of room-temp craft brew. Check the dates though. I bought a Sam Adams Chocolate Boch, but later noticed it was the 2004(It was fine though). The people running the store was an elderly couple and they were the nicest people on the planet. They first looked the Pisgah Brewery up in the

phone book(it's not listed). So then they called people they knew who might know where it is. We ended up with some directions, but alas, was not able to follow them. That just means on another attempt to find the Pisgah Brewery we will have to go back by the 6 Pac Smokestack. I hope the same couple is working. (1,028 characters)

wcudwight, Dec 31, 2005

6 Pack Smokestack in Swannanoa, NC
- out of 100 based on 2 ratings.

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Smokestack Brew opening at 100 Center in Mishawaka

By Heidi Prescott South Bend Tribune | Posted: Wednesday, February 25, 2015 12:05 pm

MISHAWAKA — Tony Gazzana remembers first stepping foot last fall into the former boiler house of the Kamm & Schellinger building at the 100 Center. What a sight he saw.

Black paint covered every inch of the interior brick walls and black curtains covered the huge boarded-up windows, just in case any light tried to peek through the cracks.

The carpet felt like it had been through lots of pop and popcorn spills from the days of \$1.50 movies at Dorothy's 100 Center Cinema, which closed in 1999.

"You have to have a vision when you walk into something like that," says Gazzana, a co-owner of Smokestack Brew, the new sports club and entertainment venue that is scheduled to open in early March at the 100 Center.

About seven months have been spent renovating the space floor to ceiling, says Gazzana, general sales manager at Sunny 101.5, whose parent company, Schurz Communications, owns The Tribune.

He partnered with Carl Duncan, the local franchise owner of Two Men and a Truck, and Rick Conway, who works at Indratech in Elkhart, on the business venture.

Smokestack Brew is located east of Morgan's/Little Black Dog Tavern, and behind Hacienda in the complex that once served as a meeting place and shopping hub on Center Street near downtown Mishawaka.

"I used to come here to see movies when I was a kid — way, way back," Conway says. "I remember it was 'the' place to hang out, so I hope that we are helping to bring it back to life."

The former Club Bed night club and Sky Lounge were short-lived in the former theater space.



Smokestack Brew opening at 100 Center

Smokestack Brew, a locally owned sports bar, restaurant and entertainment venue, is scheduled to open March 6 at the 100 Center, which is located at 100 Center St., east of downtown Mishawaka. The business is located in the former boiler house of the Kamm & Schellinger building. SBT Photo/SANTIAGO FLORES

One of the first dramatic changes involved opening up the windows.

“That’s our calling card, as far as I’m concerned,” Gazzana says, and he mentions that replacing the glass was the most costly part of the renovation process.

Smokestack, which will be open seven days per week, features a large stage with a dance floor that is outlined by track lighting. Smokestack will have seating for about 300. The bar will feature 16 beers on tap (none is brewed on-site) and the casual-dining restaurant will serve lunch and dinner.

Joe Grabill, who represents the partnership groups that own buildings at the 100 Center, believes in the long-term potential of Smokestack as an entertainment venue, complete with 18 large-screen televisions for sports fans.

“We are really making progress,” says Grabill, who works at Berkshire Hathaway Northern Indiana. “I think the changes the owners of Smokestack have made are dramatic. It adds to the building’s character, restoring some of the architecture, and that will draw people in.”

Smokestack opens to the public on March 6 with live music on Friday and Saturdays.

The Whistle Pigs are scheduled to perform on March 6 and Shock Roxy will perform live on March 7. The venue also will host trivia nights, karaoke and other events.

City Planner Ken Prince says the 100 Center is integral to Mishawaka’s long-term revitalization plans. The city believes there is a lot of untapped potential in the complex.

“Unfortunately, the potential requires a lot of capital investment before change can be realized,” Prince says. Hacienda and Morgans/Little Black Dog are anchors that will add value and help drive the redevelopment of the old brewery complex.

“We feel optimistic about the opening of Smokestack Brew,” Prince says, “and believe that it has the potential to be another added-value project that ultimately leads to a larger redevelopment effort.”

Grabill says the story of the 100 Center is ultimately about momentum.

And he believes the momentum is building both at the complex and in downtown Mishawaka with continued residential and commercial development.

“It’s a different landscape today than when things were consistently closing,” Grabill says. “We’re seeing a steady progression of the right kind of tenants. The owners of Smokestack are the right kind of people we want there.”

Coming soon to Heritage

Two new boutiques are headed to a northern Mishawaka retail complex.

Two Dogs and a Cat is now under construction at 7225 Heritage Square Drive, at Heritage Square shopping center.

The new locally owned pet boutique is expected to open in late April.

Owner Pam VanDeVoorde says her specialty pet store will offer toys, collars, leads, feeding dishes and pet apparel, as well as pet picture frames, doormats, greeting cards and decor for proud pet owners. She'll also carry healthy treats that cannot be found in chain pet stores.

"My golden retriever, Luke, will be there most days waiting to welcome new friends," she says about her shop, which will be located between Life is Good and Max Black Art Gallery.

And Unity Boutique is a planned new 1,120-square-foot shop that will be located at Heritage Square, according to a state construction report. We'll offer more details about this boutique in an upcoming column.

Heidi Prescott's column runs on Wednesdays and Sundays. Contact her at hprescott@sbtinfo.com or 574-235-6070. You can also talk retail at [Facebook.com/thebasket](https://www.facebook.com/thebasket) and at [Twitter.com/marketbasket](https://twitter.com/marketbasket). Hear her weekday reports at 6:52 a.m. and 8:52 a.m. on The WSBT Morning News with JT at WSBT-AM (960) and WSBT-FM (96.1).

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO.: 86/385,603
APPLICANT: Magnolia Brewing Company
MARK: SMOKESTACK LIGHTNING

DECLARATION

I, Dave McLean, declare as follows:

1. I have personal knowledge of the facts set forth below and if called upon, would and could testify competently as to them.

2. I am the FOUNDER / PRESIDENT of Magnolia Brewing Company and have held that position since 1996.

3. Magnolia Brewing Company is a limited liability company established under the laws of the State of California in 2013.

4. Prior to the creation of Magnolia Brewing Company, the company operated under the name, McLean Breweries, Inc. McLean Breweries, Inc. is a California corporation that was formed in 1996. McLean Breweries, Inc. merged with Magnolia Brewing Company in 2014 and became its subsidiary.

5. As a result of the merger, Magnolia Brewing Company acquired all assets of McLean Breweries, Inc., including the SMOKESTACK LIGHTNING trademark and associated goodwill.

6. A part of the Magnolia Brewing Company operations is a brewpub, which means it is both a brewery and a restaurant. It has been in operation since 1997.

7. Magnolia Brewing Company, and its predecessor, has continuously used the SMOKESTACK LIGHTNING mark since approximately February 1, 2003. It has continuously used the mark in commerce since October 31, 2010.

8. I have never encountered SMOKESTACK SERIES by Duvel Asset Company S.A.R.L. in the marketplace or through any trade channel we sell our goods in.

9. During my tenure with both McLean Breweries, Inc. and Magnolia Brewing Company, I am not aware of any occurrences of consumer confusion between our SMOKESTACK LIGHTNING mark with any other goods using a mark containing the term "SMOKESTACK" including Duvel Asset Company S.A.R.L.'s SMOKESTACK SERIES mark.

I declare under penalty of perjury that the foregoing is true and correct.

Date:

8/28/2015

Signature

Printed Name

DAVID MCLEAN

Position

PRESIDENT



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Word Mark	SMOKESTACK SERIES
Goods and Services	IC 032. US 045 046 048. G & S: Beer, ale and malt liquor. FIRST USE: 20071111. FIRST USE IN COMMERCE: 20071111
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77253737
Filing Date	August 13, 2007
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	March 18, 2008
Registration Number	3509698
International Registration Number	1207599
Registration Date	September 30, 2008

Owner (REGISTRANT) Boulevard Brewing Associates Limited Partnership BBC Management Company, a corporation organized under the laws of the State of Missouri LIMITED PARTNERSHIP MISSOURI 2501 Southwest Boulevard Kansas City MISSOURI 64108

(LAST LISTED OWNER) DUVEL ASSET COMPANY S.A.R.L. LIMITED LIABILITY COMPANY
LUXEMBOURG AM HOCK 2 WEISWAMPACH LUXEMBOURG L-9991

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record I. EDWARD MARQUETTE

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Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

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